



## DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS

2000 NAVY PENTAGON

WASHINGTON, DC 20350-2000

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Ser DNS-36TW/15U105771

April 27, 2015

Sent via email to: [admin@foiaadvisor.com](mailto:admin@foiaadvisor.com)

Mr. Allan Blutstein  
FOIA Advisor  
400 Massachusetts Avenue NW, Suite 811  
Washington, D.C. 20001

Dear Mr. Blutstein:

This is in reference to your Freedom of Information Act (FOIA) request dated April 22, 2015. Your request was received in our office on April 23, 2015 and was assigned FOIA case number DON-NAVY-2015-5450.

Upon review of the responsive documents, we determined the requested documents contain personally identifiable information (e.g., names, phone numbers, etc.), which is exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of personal privacy.

Because your request is partially denied, you are advised of your right to appeal the denial of your request by writing to the:

Office of the Judge Advocate General  
1322 Patterson Ave, SE, Suite 3000  
Washington Navy Yard, D.C. 20374-5066

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

Additionally, the 2007 FOIA amendments directed the Chief FOIA Officer of each agency to designate one or more FOIA Public Liaisons. Please be advised that the DON FOIA Public Liaison is

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available to assist in disputes between the requester and the agency. The role of the Liaison is to provide FOIA requesters with an avenue to raise concerns about the service received from a Navy Requester Service Center. You may write to the DON FOIA Public Liaison at Department of the Navy Chief Information Office (DON CIO), 1000 Navy Pentagon, Washington, D.C. 20350-1000. Alternately, you may contact the DON FOIA Public Liaison via telephone at (703) 695-1297, via fax at (703) 614-4388, or via email at [DONFOIAPublicLiaison@navy.mil](mailto:DONFOIAPublicLiaison@navy.mil).

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Patterson", is written over a horizontal line.

R. PATTERSON

Head, DON PA/FOIA Program Office

Encl: Appeal Letters

COLUMBIA UNIVERSITY  
IN THE CITY OF NEW YORK  
DEPARTMENT OF HISTORY

April 20, 2015

**Freedom of Information Act Appeal**  
**Re: Freedom of Information Act Request, DON-NAVY-2015-001925**

This letter constitutes an appeal under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and is submitted to the Department of the Navy ("DON") by [REDACTED], a Professor of History at Columbia University. This appeal arises from a September 16, 2013 request ("FOIA Request") to DON, request number DON-NAVY-2015-001925.

This request was for:

All oral histories and/or historical interviews of the past two commanders of the 10th Fleet, concerning their service as commanders of the 10th Fleet:

Vice Admiral Bernard J. "Barry" McCullough, III  
Vice Admiral Michael S. Rogers

his letter appeals DON's failure to respond to my request within the statutory 20 day period. I have not received any response, including the common letter indicating that DON was unable to respond to my request within that period.

Procedural History

On December 18, 2014, I requested "All oral histories and/or historical interviews of the past two commanders of the 10th Fleet, concerning their service as commanders of the 10th Fleet: Vice Admiral Bernard J. "Barry" McCullough, III [;] Vice Admiral Michael S. Rogers" using the FOIAOnline web portal. I emphasized that "Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government, much currently in public discussion, and is not primarily in my commercial interest."<sup>1</sup> I requested all reasonably segregable nonexempt portions of documents, and as the request was made for a scholarly purpose and not for commercial use, requested a waiver of all fees for this request.<sup>2</sup> I stated that I was, nonetheless, "willing to pay fees for this request

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<sup>1</sup>Letter from Professor [REDACTED] to U. S. Navy, Chief of Naval Operations, FOIA Office, 12/18/2014.

<sup>2</sup> *Id.*

up to a maximum of \$100,” and that I was “forward to receiving your response within the twenty day statutory time period.”<sup>3</sup>

I received a computer generated response on 12/18/2014, providing me a tracking number. Several weeks later, the on-line portal indicated that the estimated date of completion was 1/21/2015.

Having received no reply, on 2/23/2015, I wrote the DON FOIA Public Liaison, noting, “I have received no response within the statutory 20 day period, and no one is available on the foiaonline website. (I’ve not received the customary notice that the office could not complete the request within the time period.) Could you please provide an estimated date of completion for this request?”

On 2/24/2015, Mr. Christopher Julka, Department of Navy Chief Information Office Policy Lead and FOIA Public Liaison, responded, “My records indicated that your request was assigned to the Fleet Cyber Command/10th Fleet. I am making inquiries with the head of Navy FOIA program.”

I have not heard back from Mr. Julka since. On 3/10/2015, I wrote to follow up, and received no response. Again on 4/8/2015, I wrote, “I’m following up on our email correspondence of February. I’ve not received any reply about this foia request, and it is long past the statutory period. Could you let me know the status of this request and the contact info for filing an appeal if need be.” I received no response to either email.

### Conclusion

I appeal the failure of the DON to provide the documents requested within a period well past the statutory period, and ask that it be ordered to provide all documents in the most expeditious manner possible. Thank you for your consideration of this appeal. If you have any questions, please contact me at [REDACTED]

Sincerely,

[REDACTED]  
James R. Barker Professor of Contemporary Civilization  
Department of History  
Columbia University  
514 Fayerweather Hall—MC 2513  
1180 Amsterdam Ave.  
New York, NY 10027

[REDACTED]

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<sup>3</sup> *Id.*

FREEDOM OF INFORMATION APPEAL

April 15, 2015

J. E. Hanzlik, Jr.  
U.S. Fleet Forces Command  
1562 Mitscher Avenue Suite 250  
Norfolk, VA 23551-2487

RECEIVE BY (PRINT) [REDACTED]

DATE REC. 4/21/15

Signature: [REDACTED]

Dear Captain Hanzlik,

I am writing to appeal the denial of my Freedom of Information Act request of December 3, 2014, case number USFF 2015-10-001498.

My request was denied on the grounds that it pertained to a law enforcement matter and that release of the document would be a violation of privacy as it does not "reveal the operations and activities of the government."

I believe that the document should be released. Elements of the statement have already appeared in the popular press, along with much more extensive and intrusive documents from the Naval Criminal Investigative Service granted under the FOIA to the Associated Press (see, for example, the AP article here: <http://www.casino.org/news/admiral-linked-counterfeit-chips-thanks-dna-evidence>). As I am requesting the document for scholarly purposes, my use of it is less likely to constitute a violation of privacy, which has in any case already occurred. Documents granted to AP News also pertained to a criminal investigation, which has in any case been dropped (in my understanding). Releasing this document is more likely to provide context and "round out" a story already present in the press.

The document I requested does pertain to operations and activities of the government. First, it pertains to the conduct of an important member of that government whose official duties were compromised by the behavior at hand. Second, it pertains to the disciplinary action eventually taken against the accused. Third, precisely because the statement is related to the NCIS file already released, it bears on government conduct directly. The two bases for rejection—privacy and lack of pertinence to government operations—contradict *ipso facto*.

Please find a transcript of my original request enclosed. Thank you for your time and consideration on this matter.

Sincerely,

[REDACTED]

[REDACTED]

Office of the Judge Advocate General (Code 14)  
1322 Patterson Avenue, S.E., Suite 3000  
Washington Navy Yard, D.C. 20374-5066

April 8<sup>th</sup>, 2015

## FREEDOM OF INFORMATION ACT APPEAL

I, [REDACTED] appeal the letter from Headquarters NCIS, dated 18 March 2015, that states they were unable to locate documents responsive to my original FOIA request of 20 February 2015. I believe an adequate search was not conducted because I am certain an NCIS investigation was conducted. I provided a statement on 17 October 2014 to Special Agent [REDACTED], an NCIS agent at Parris Island, SC. The investigation was into non-consensual sexual contact.

The subject's rank and name is [REDACTED]. He is a Marine with Weapons and Field Training Battalion at Parris Island. My name is [REDACTED]. My EDIPI is [REDACTED] and my SSN is [REDACTED]. The incident occurred on or about 7 October 2014. The NCIS investigation control number is 20OCT14-CAPI-0060-8XMA/C.

I am willing to pay a fee for this request up to a maximum of \$15.00. If you estimate that fees will exceed this amount, please inform me.


I may be contacted at [REDACTED]  
[REDACTED]  
[REDACTED]

- Encl: (1) Letter from NCIS HQ of 18 Mar 15  
(2) Original FOIA request of 20 Feb 15  
(3) Notice of VLC Representation  
(4) NCIS Sworn Statement

RECEIVE BY (PRINT) [REDACTED]

DATE REC. 9/15/15

Signature: [REDACTED]



April 8, 2015

Judge Advocate General of the Navy (Code 14)  
1322 Patterson Avenue Southeast, Suite 3000  
Washington Navy Yard, DC 20374-5066

Dear Judge Advocate General,

I enclose a letter that I received in response to a request for an article cited by Captain John W. Crawford, USN, and Steven L. Krahn, "The Naval Nuclear Propulsion Program: A Brief Case Study in Institutional Constancy," *Public Administration Review*, Vol. 58, No. 2 (March-April 1998), pp. 159-166, with the citation given on page 166.

The article cited is titled "Principles of the Naval Nuclear Propulsion Program" and it is cited as having originally appeared in a publication titled *Naval Reactors Letter*, Serial 08-2175, dated August 16, 1979. Apparently this is not in the Navy Library.

It occurs to me that the serial may have existed as an internally circulating letter in what is now the Nuclear Propulsion Program within the Naval Sea Systems Command. The title "Naval Reactors Letter" suggests that it was some-kind of internal circular.

As part of this appeal, I would be grateful if you would submit this request to the Director, Nuclear Propulsion (SEA-08) in the Naval Sea Systems Command, and ask if *Naval Reactors Letter* (or a similar title) was ever an internal circular within the program. It may have continued under a different name.

If the serial existed, I would be grateful if a determination could be made as to whether the article I would like to see can be made available to me. It is for a chapter on Admiral Rickover in a book on great American engineering achievements. The book is a sequel to the book listed here: <http://press.princeton.edu/titles/8261.html>.

Thank you for your consideration and assistance.

Sincerely,

RECEIVE BY (PRINT):

DATE REC. 4/15/15

Signature: 

[REDACTED]

Judge Advocate General (code 14)  
1322 Patterson Avenue SE Suite 3000  
Washington Navy Yard  
Washington, DC 20374-5066

RECEIVE BY (PRINT): [REDACTED]

DATE REC. 3/2/15

Signature [REDACTED]

SUBJECT: FREEDOM OF INFORMATION ACT  
case MCIEAST-MCBCAMLEEJ2015F0167

This request is in response to a Freedom of Information Act letter that I sent on 05 February 2015 to Marine Corps Installation East Marine Corps Base Camp Lejeune NC. The purpose of this request was to verify that my family and I were residents at Camp Lejeune NC during the **CHEMICALLY TAINTED DRINKING WATER PERIOD** August 01, 1953 to December 31, 1987. Two of my daughters and wife lived in military housing during the listed time period and suffer from the effects of drinking the **contaminated water**. Daughters [REDACTED] and [REDACTED] both were residents of military housing at Camp Lejeune during the periods of November 1978 until 1983. My wife [REDACTED] also resided with them during the same time period and suffers from the effect of said **contaminated water**. We lived at three different addresses during the listed time period on [REDACTED] I served at different units aboard the Base from 1976-1986.

The "**Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012**" provides health care coverage for qualified Camp Lejeune **family members**. Regulations require that family members provide supporting documentation showing their qualification for reimbursement for health care costs related only to medical conditions listed in the law.

I was denied a complete report of residency verification and advised by [REDACTED] to appeal to the Judge Advocate General for help in this matter.

I served my Corps and Country for 22 years, as a retiree my wife and I have access to TRICARE to cover all our medical needs, I am also a 100% Disabled Veteran due to injuries that happened during my active duty time. My children who had no option in where they were born and lived during my career as a United States Marine now suffer from medical defects for my service. I request that my appeal be granted to show the entire time period that my family resided in military housing at CLNC. The approval for this request will allow them to petition the Department of Veteran Affairs for financial aide for their conditions. Thank you in advance for your help.



This response is being supplied in advance of the 60 calendar day dead line.

Always Faithful,



XXX-XX-